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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/648,058

08/26/2003

John Yates

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2933

7590 01/24/2007
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EXAMINER

JACKSON, ANDRE L

ART UNIT

PAPER NUMBER

3677

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

01/24/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/648,058	YATES, JOHN	
	Examiner	Art Unit	
	Andre' L. Jackson	3677	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 December 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reiter in view of USPN 4,069,554 to Minolla et al. Reiter discloses a slide buckle comprising;

a first horizontal member (18) having first and second ends; a second horizontal member (19) having third and fourth ends; a first vertical member (11) having a top surface and a bottom surface extending between the first and third ends; a second vertical member (12) having a top surface and a bottom surface extending between the second and fourth ends; a first ear (16) extending away from the junction between the second horizontal member and the first vertical member; and a second ear (16) extending away from the junction between the second horizontal member and the second vertical member; and a third horizontal member (13) having a first substantially c-shaped end (14) and a second substantially c-shaped end (15); wherein the first substantially c-shaped end engages the first vertical member around both the top and bottom surfaces; wherein the second substantially c-shaped end engages the second vertical member around both the top and bottom surfaces; wherein the third horizontal member is free to slide between the first and second horizontal members while engaging the first and second vertical members around both the top and bottom surfaces; and wherein the ears prevent the third horizontal member from sliding past the ears; and wherein movement of a belt is prevented by a

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clamping connection formed by the adjacency of the third horizontal member to the first horizontal member when the third horizontal member is slid toward the first horizontal member, and by the adjacency of the third horizontal member to the second horizontal member when the third horizontal member is slid toward the second horizontal member. However, Reiter discloses prongs extending from the third horizontal member, wherein applicant's claims recite a third horizontal member having no prongs.

Minolla et al teaches an adjustable fitting including a first horizontal member (1) having first and second ends; a second horizontal member (30) having third and fourth ends; a first vertical member (Fig. 7) having a top surface and a bottom surface extending between the first and third ends; a second vertical member (Fig. 7) having a top surface and a bottom surface extending between the second and fourth ends; a first ear (first arcuate outer-end section of 16) extending away from the junction between the second horizontal member and the first vertical member; and a second ear (second arcuate outer-end section of 16) extending away from the junction between the second horizontal member and the second vertical member; and a third horizontal member (11) having a first substantially c-shaped end (21, 19, 20) and a second substantially c-shaped end (21, 19, 20) as seen in Fig. 4; wherein the first substantially c-shaped end engages the first vertical member; wherein the second substantially c-shaped end engages the second vertical member; and wherein the third horizontal member is free to slide between the first and second horizontal members while engaging the first and second vertical members, thus affording a smooth surface such that a webbing is not folded or deflected over rough or knurled surfaces and further providing decreased adjustment forces, minimal working parts, and a low cost of manufacture.

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Therefore, it would have been obvious to one having ordinary skill in the art at the time of applicant's invention to modify the slide buckle of Reiter to incorporate the slidable third horizontal member taught by Minolla et al providing an improved efficient slide buckle offering a smooth surface such that a webbing is not folded or deflected over rough or knurled surfaces and further providing decreased adjustment forces, minimal working parts, and a low cost of manufacture.

As to claims 2 and 3, the slide buckle can be rotated at least 45 degrees or 90 degrees from a first position to a second position similar to applicant's invention.

Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Reiter in view of Minolla et al and further in view of applicant's admitted prior art figure 2. Reiter in view of Minolla et al makes obvious all of the structural limitations of claim 4 except a first strap enclosed around the first horizontal member and a second strap enclosed around the third horizontal member. As seen in Figs. 1-3, Reiter shows a strap (30) passing through the opening defined in the second horizontal member as claimed. Applicant's admitted prior art figure 2 shows a cross-sectional view of a web adjusting buckle member (10) defining a first (12), a second (16) and a third (14) horizontal member. Each of the first and third horizontal members are enclosed by a respective strap webbing section (26, 28) of a safety belt system which is adjustable such that a combined length of the respective strap webbings can be changed in order to fit the safety belt system snugly against users of differing sizes. Therefore, it would be obvious to one having ordinary skill in the art at the time of applicant's invention to modify the slide buckle of Reiter in view of Minolla et al to incorporate the safety belt system as illustrated by the

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admitted prior art to provide an enhanced slide buckle useable within a vehicle safety restraint system which is made adjustable such that a combined length of the respective strap webbings can be changed in order to fit the safety belt system snugly against users of differing sizes.

Response to Applicant's Arguments

Applicant's remarks presented in the Amendment of December 6, 2006 have been considered but are found to be non-persuasive. Here, the Examiner believes applicant has exhausted all attempts to positively define applicant's claimed invention over the prior art made of record. It is clear in the record that the Examiner has fully and successfully pointed out and demonstrated to applicant every structural claim limitation in applicant's claim set is either anticipated or rendered obvious over the prior art of record. Furthermore, applicant's invention is simple in construction and very easy to comprehend the nature of its operability. In fact, if one was to view applicant's prior art drawing denoted as figure 1; applicant's alleged improvement consist of making element 14 slidable between elements 12 and 16 respectively and further held between elements 12 and 16 by the addition of ears or projections disposed at subsequent outer corners of the elements 12 and 16, such that the slidable element may not pass these protuberances and disconnect therefrom.

Turning to applicant's current remarks on pages 1 and 2 that a prima facie case of obviousness is not proper by the prior art references of Reiter in view of Minolla used in combination because neither reference disclose "said ears prevent said third horizontal member from sliding past said ears" as claimed. These remarks are respectfully disagreed with because Reiter in figures 1, 3 and 4 clearly show a pair of projections 16 and a pair of projections 17

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extending outwardly from parts 18 and 19 respectively. Further, in lines 49 -55 of column 1 and continuing to column 2, lines 1 and 2, Reiter clearly sets forth the function of the projections (“said ears prevent said third horizontal member from sliding past said ears”), which is to limit movement of a crossbar from sliding past the projections. Therefore, the Examiner finds no supportive evidence on applicant’s behalf to dispute or question the indented operation of the projections or ears of Reiter, which so happen to function identically to applicant’s ears or projections **110, 112**. Thus, the combination rejection of Reiter in view of Minolla is believed proper.

In regards to applicant’s remarks pertaining to amended claim 2, in which applicant asserts neither Reiter nor Minolla disclose or suggest a third horizontal member is free to slide between the first and second horizontal member only when the web adjuster has been rotated at least 45 degrees from a first position to a second position is found non persuasive. Here, it obvious that the prior art web adjuster as well as applicant’s claimed web adjuster is manipulated by a user’s hand or webbing. In fact, if both web adjusters (applicant’s and the prior art of record) were displaced in a horizontal plane, neither applicant’s third horizontal member, (which is the member that slides) or the prior art of record slidable member, will move unless an outer force is exerted upon these sliding members to translate from a static position to a dynamic position. Therefore, it is easily seen that if applicant’s web adjuster and the prior art of record web adjuster are simultaneously moved from the aforementioned horizontal plane to a plane which is inclined at predetermined angular orientation, both applicant’s and the prior art web adjuster’s third horizontal or sliding member would move by the laws of gravity. Thus, applicant’s degree of movement (45 degrees; 90 degrees) claimed only requires a degree of inclination to overcome

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the static position of the sliding member to move by laws of gravity and thus obvious to one having ordinary skill in the art that the degree of friction between the sliding member the frame is a design choice well known within the art. Further, since the prior art references renders obvious applicant's structural design of elements and the orientation of these elements, the prior art web adjuster will operate similar if not identically to applicant's invention in view of the principles of inherency. Therefore, the Examiner finds applicant's remarks lack supportive evidence to remove Reiter in view of Minolla from rendering obvious the limitations of claim 2. Thus, the combination rejection of Reiter in view of Minolla is believed proper.

As to applicant's remarks on the last two pages regarding claim 4, applicant once again asserts that neither Reiter nor Minolla disclose or suggest at least one ear extending away from the junction between the second horizontal member and the first vertical member and wherein the at least one ear prevents the third horizontal member from sliding past the at least one ear. Once again, applicant's remarks are considered non-persuasive due to the exactness of the specification relied upon by the Examiner as illustrated and stated in the Reiter reference. Here again, Reiter in figures 1, 3 and 4 clearly show a pair of projections 16 and a pair of projections 17 extending outwardly from parts 18 and 19 respectively. Further, in lines 49 -55 of column 1 and continuing to column 2, lines 1 and 2, Reiter clearly sets forth the function of the projections (at least one ear extending away from the junction between the second horizontal member and the first vertical member and wherein the at least one ear prevents the third horizontal member from sliding past the at least one ear) which is to limit movement of a crossbar 13 (third horizontal member) from sliding past the projections. Therefore, the Examiner finds no supportive evidence on applicant's behalf to dispute or question the indented operation of the

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projections or ears of Reiter, which so happen to function identically to applicant's ears or projections **110, 112**. Thus, the combination rejection of Reiter in view of Minolla is believed proper.

For the foregoing remarks, the Examiner believes all of applicant's arguments are fully addressed in relation to applicant's pending claims. Consequently, the Examiner believes none of applicant's remarks removes Reiter nor Minolla from rendering obvious applicant's structural design and subsequent function of a web adjuster. Thus, claims 1-4 remains rejected as being unpatentable over the prior art made of record.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Andre' L. Jackson whose telephone number is (571) 272-7067.


The examiner can normally be reached on Mon. - Fri. (10 am - 6:30 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

André L. Jackson
Patent Examiner
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ALJ


ROBERT J. SANDY
PRIMARY EXAMINER